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Paper No. 22

In re Application of: Virkram Singh et al.	:	PETITION TO REQUEST
Application No. 09/468,752	:	SUPERVISORY REVIEW
Filed: December 21, 1999	:	UNDER
Attorney Docket No.: GEMS8081.028	:	37 C.F.R. 1.144
For: METHOD AND APPARATUS FOR	:	
SCREENING A POTENTIAL	:	
CUSTOMER AND ASSIGNING AN	:	
ACCOUNT NUMBER TO THE	:	
POTENTIAL CUSTOMER ACROSS	:	
A GLOBAL COMPUTER NETWORK	:	

This is in response to applicant's petition filed on December 16, 2003 to direct the examiner to either allow the application or to allow the appeal process to move forward.

The petition is **DISMISSED**.

The petitioner argues that the instant case has been pending for four years and that the applicant received 3 non-final Office Actions, a final Office action, which was then followed by a Notice of Appeal and an Appeal Brief. In response to the Appeal Brief the examiner then sent out a new non-final Office action where all claims were rejected under 35 U.S.C. 103 over a single reference. Petitioner further suggests that the Office may be intentionally delaying the prosecution of cases they have determined are out of favor.

A review of the file record indicates that in fact the examiner issued three non-final rejections, a final rejection and following the filing of the Appeal Brief sent out a new non-final rejection. While the Office does expect the examiners to practice compact prosecution the major concern is that the quality of the patents issued is as high as possible. Occasionally a better reference comes to the attention of the examiner after prosecution is closed. It is of benefit to applicant and the public that the most relevant prior art is considered by the USPTO prior to the grant of a Patent. From a review of the instant application file this appears to be the situation in this case.

Since the MPEP is clear that a decision of the examiner may be appealed to the Board of Appeals and Patent Interference after the application has been twice rejected petitioner is free to request that Appeal be reinstated and there is no need for a petition to do so. Since the petitioner has filed a request to reinstate the Appeal and a Supplemental Appeal Brief on December 16, 2003, the same date as this petition, these papers will be entered in the file and the case will be forwarded to the examiner for the consideration of the Appeal.

Accordingly, the petition is dismissed. Supplemental Brief will be forwarded to examiner for prompt action.

Summary: *Petition DISMISSED*



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RPO: 05/03/04